IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.23697 of 2004

Between:

Dr. P. Vijaya Babu, S/o. Late P. Chalapathi Raju,
R/o. D.No. 2-1-58, J.P.Road, Bhimavaram, West Godavari District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep by its Secretary, Housing,

Municipal Administration and Urban Development Department,

Secretariat, Hyderabad.
2 The Director of Town and Country Planning, Khairatabad,

Hyderabad.
3 Bhimavaram Municipality, rep by its Commissioner, Bhimavaram,
West Godavari District.
4 Town Planning Officer, Bhimavaram Muncipality, Bhimavaram, West

Godavari District.
5 Hosanna Prayer Committee, Bhimavaram, Rep by its Paster,
Sri Samuel, Byepass Road, Bhimavaram, West Godavari District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the respondents 1 to 4 in not taking any action on the representation submitted by the petitioner on 08-09-2004 about the illegal and highhanded constructions being made in 4th Ward, Bye-pass Road, Bhimavaram, West

Godavari District in utter violation of the provisions of the A.P. Municipalities Act, the Rules and Building Bye-law framed thereunder as illegal, arbitrary.

Counsel for the Petitioner: MR.V.V.L.N.SARMA

Counsel for the Respondent Nos.1 and 2: GP for Housing and Municipal Administration

Counsel for the Respondent Nos.3 and 4: MR.DANTU.SRINIVAS

Counsel for the Respondent No.5: Mr. S. Nageswara Reddy

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents 1 to 4 in not taking any action on the representation submitted by the petitioner on 08.09.2004 about the illegal constructions being made by the 5th respondent in 4th ward, Bye-pass road, Bhimavaram, West Godavari District as illegal and arbitrary.

The petitioner claims to be owner and possessor of site admeasuring Ac.0.20 cents in R.S.No.154, Bhimavaram, which is adjacent to the site of the 5th respondent situated in Ward No.4. The grievance of the petitioner is that when the 5th respondent without obtaining any prior permission from the official respondents started construction of a Church to cause inconvenience to him and others of the residential area, they made a representation, dated 08.09.2004 to the respondents 3 and 4 requesting them to stop the constructions being made by the 5th respondent. But, they did not take any action so far. Hence, the writ petition.

Heard the learned counsel for petitioner and learned counsel for respondents. Both the counsel agreed for disposal of the writ petition at the stage of admission.

Since the representation of the petitioner and others dated 08.09.2004 is said to be pending consideration before the 3rd respondent-Commissioner, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with a direction to the 3rd respondent-Commissioner to consider the same and after issuing notice and calling for explanation from the 5th respondent, take appropriate action in

the matter. The entire exercise should be completed within a period of four weeks from today.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

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(N.V. RAMANA, J)

Date: 21.12.2004

Nsr/Mrr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Government of Andhra Pradesh, Housing,

Municipal Administration and Urban Development Department,

Secretariat, Hyderabad.
2 The Director of Town and Country Planning, Khairatabad,

Hyderabad.
3 The Commissioner, Bhimavaram Municipality, Bhimavaram,
West Godavari District.
4 Town Planning Officer, Bhimavaram Muncipality, Bhimavaram, West

Godavari District.
5 Two CD copies.

6 Two CCs to GP for Housing and Municipal Administration, High Court

of AP, Hyderabad (OUT)